

✓ In claims 2-4 and 10, change "means" to -- arrangement -- .

✓ In claim 7, change "member" to -- section --.

(Please add the following new claim:)

az 11.(NEW) A method of forming a unitary extrusion having a flexible section of thermoplastic rubber, a substantially rigid section of thermoplastic unitary with the flexible section at a juncture of the sections, and a tongue and groove arrangement defined at the unitary juncture of the flexible and rigid sections for increasing the surface area of the juncture, the method comprising the steps of:

providing a die having a first portion for extruding the flexible section of the unitary extrusion and a second portion for extruding the rigid section of the unitary extrusion; introducing hot liquified thermoplastic rubber into the first portion of the die and hot liquified thermoplastic into the second portion of the die; and coextruding the flexible and rigid sections of the unitary extrusion from the die.

**STATUS OF CLAIMS**

Claims 1-10 are pending; claims 1-10 stand rejected; claims 1-4, 7 and 10 have been amended herein; and claim 11 has been added herein.

**CLAIMS REJECTIONS UNDER 35 USC §112**

Claims 1- 10 stand rejected under 35 U.S.C. §112, second paragraph, because (1) the structural relationship in claim 1 between the tongue and groove means and the other elements is not sufficiently set forth and (2) the recitation of “member” in claim 7 should be “section”.

In response thereto, claim 1 has been amended to recite “a tongue and groove arrangement defined at the unitary juncture of the flexible and rigid sections for increasing the surface area of the juncture”. Claims 2-4 and 10 have been amended to be consistent with the amendment made to claim 1. Claim 7 has been amended to change “member” to “section”.

Accordingly, reconsideration and withdrawal of this rejection is respectfully urged.

**CLAIMS REJECTIONS UNDER 35 USC §102**

Claims 1-8 and 10 stand rejected under 35 U.S.C. §102 (b) as being clearly anticipated by Wiese ‘955 (Wiese). Claims 1, 2, 4-6 and 9 stand rejected under 35 U.S.C. §102 (b) as being clearly anticipated by Francis Jr. *et al.* ‘132 (Francis). These rejections are traversed as follows.

Anticipation under 35 U.S.C. §102(b) requires that each and every element of the claim must be taught in the reference. See Verdegaal Bros. v Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference.”); see also Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

Claim 1 as amended recites in pertinent part “A *unitary* extrusion comprising: a flexible section of *thermoplastic rubber*” and “a substantially rigid section of thermoplastic *unitary with* the flexible section at a juncture of the sections”.

Wiese teaches a plastic hinge 30 comprising a hinge member 32 of a synthetic polymeric material, such as polypropylene or polyethylene, and mounting members 40 constructed of a synthetic polymeric material, preferably an acrylic. Wiese further teaches that the hinge member and the mounting members are extruded and then secured together by interengaging the tongue-and-groove elements of the hinge and mounting members.

Wiese does not teach a unitary hinge or extrusion where the hinge (presumed read by the examiner as the flexible section) and mounting members (presumed read by the examiner as the substantially rigid section) are *unitary* with each other or that the hinge member is of *thermoplastic rubber*, as is presently claimed.

Since Wiese fails to teach each and every element of the claims, withdrawal of the 35 U.S.C. §102(b) rejection using Wiese is respectfully urged.

Francis teaches an integral brace and hinge members 20 comprising a flexible central hinge section 23 of rubber-like composition which is *integrated physically* with brace sections 21, 22 of unplasticized poly-vinyl chloride resins.)

Unlike the presently claimed invention, Francis does not teach a unitary hinge or

extrusion where the hinge section and brace sections are *unitary* with each other.

Since Francis fails to teach each and every element of the claims, withdrawal of the 35 U.S.C. §102(b) rejection using Francis is respectfully urged.

### **PRIOR ART MADE OF RECORD AND NOT RELIED UPON**

The Esnault, Dixon, Fournier *et al.*, Shepherd, Joyce and Goranson *et al.* references all fail to teach or suggest the presently claimed invention.

### **NEW CLAIM 11**

Newly presented claim 11 is directed to a method of forming a unitary extrusion having a flexible section of thermoplastic rubber, a substantially rigid section of thermoplastic unitary with the flexible section at a juncture of the sections, and a tongue and groove arrangement defined at the unitary juncture of the flexible and rigid sections for increasing the surface area of the juncture. The method comprises the steps of providing a die having a first portion for extruding the flexible section of the unitary extrusion and a second portion for extruding the rigid section of the unitary extrusion; introducing hot liquified thermoplastic rubber into the first portion of the die and hot liquified thermoplastic into the second portion of the die; and coextruding the flexible and rigid sections of the unitary extrusion from the die.

None of the references cited in the present application teach or suggest the subject matter of this claim.